

### Remarks

Reconsideration of this application is requested.

Claims 1-5 and 15-21 have been rejected by the Examiner under 35 USC § 102 (e) as being anticipated by Leon (U.S. Patent 6,701,304 B2)

Leon discloses the following in lines 18-41 of column 13.

"FIG. 5 shows a block diagram of an embodiment of an authentication system **500** for the detection of fraudulent postage indicia. A mail piece **502** that includes a printed indicium label **504** is provided to the authentication system. Within the authentication system, a data reader **510** reads the human-readable information on the postage label, a symbology reader **520** reads the machine-readable information (e.g., the FIM marking, bar code, and others), and a marking detector **530** detects other imprints that may or may not be visible. The marking detector is designed to detect features not detected by readers **510** and **520**. For example, the marking detector can be designed to detect the identifiers and markings printed on the label, the use of invisible and/or fluorescent ink, the micro printing, taggants in the ink, and other features described above.

The information detected by these elements is passed to a computer **540** that analyzes, verifies, and authenticates the information retrieved from the postage label. For example, computer **540** can authenticate a digital signature that is imprinted on the postage label (i.e., using the SMD's public key that is provided in, and detected from the postage label). Computer **540** may also authenticate the postage information by comparing the decoded data with the unencoded data from the postage label."

Leon discloses the following in lines 53-67 of col. 9.

"Taggants can be manufactured specially for a particular postage service provider, and can be used to uniquely identify that provider. Thus, even if the ink and its fluorescent identifier are duplicated, the presence of taggants allows for analysis of indicium to determine whether it originates from an authorized metering device. Taggants can be used to discourage counterfeits, and are especially effective because of their unsuspecting nature.

In one specific embodiment, taggant beads are manufactured with multi-colored layers that are visible, for example, under a microscope. The color layers can be arranged in patterns to encode information such as manufacturer's name, a batch number, or other information. For example, each manufacturer can be assigned a unique color pattern that identifies that manufacturer."

Leon detects the identifiers and markings printed on the label and the use of invisible and/or fluorescent ink. Leon may also authenticate a digital signature and utilize color taggants to encode a manufacturer's name.

The Examiner stated the following in page 7 of the December 12, 2006, Office Action.

Leon fails to specifically teach reading first ink data from indicia, at these one symbol including ink data.

"Leon does not disclose or anticipate the following step of claim 1 as amended namely, detecting means for detecting at least one symbol that includes ink physical characteristic data that is indicative of the physical characteristics of the ink of the indicia to generate second ink characteristic data.

Leon also does not disclose or anticipate the following steps of claim 15 namely processing means coupled to the print element for causing the print element to print at least one symbol on the substrate as part of the indicia, the at least one symbol including ink physical characteristic data that is indicative of a physical characteristic of the ink.

Claims 1-28 have been rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Leon (U.S. Patent Number 6,701,304) in view of Sansone (U.S. Patent Number 6,574,000) and Jones et al. (U.S. Publication Number 2005/0088499A1).

Leon has been discussed above.

Applicant is submitting herewith a Declaration under 37 CFR § 1.131 to remove the Sansone Patent as prior art.

Jones discloses the following in paragraph {0041}.

[0041] An additional feature that reduces the possibility of incorrectly inserting an ink stick of one color into the feed channel intended for a different color is to include a visually recognizable symbol or mark 80 on the substantially horizontal top surface 54 of the ink block, as shown in FIGS. 10, 11, and 12. A visually recognizable symbol is a mark that conveys meaning to, or is easily recognizable by, a printer user. For maximum visibility, the visually recognizable symbol 80 is formed on the surface of the ink stick body with a vertical dimension, so that it is seen as three dimensional to the user. For example, the symbol 80 can be raised or embossed on the top surface, as shown in FIG. 10. The symbol could alternatively be impressed or debossed into the horizontal top surface of the ink stick block, as shown in FIG. 11. Referring to FIG. 13, a set of ink sticks for the printer shown in FIGS. 1-3 has the ink stick of the appropriate color identified with an alphanumeric character 80A, 80B, 80C, 80D corresponding to the particular keyed opening 24A, 24B, 24C, 24D leading to the appropriate feed channel for that particular color of ink. The visually recognizable symbol 80 on the ink stick can match the visually recognizable symbol 23 adjacent the corresponding keyed opening. An ink stick 30A with a key element 70A as shown in FIG. 6 for fitting through the first keyed opening 24A of the key plate is marked with, for example, the visually recognizable numeral "1." An ink stick 30B with a key element 70B as shown in FIG. 7 for fitting through the second keyed opening 24B of the key plate is marked with the visually recognizable numeral "2." Ink sticks 30C, 30D with key elements 70C, 70D as shown in FIGS. 8 and 9 for fitting through the third and fourth keyed openings 24C, 24D of the key plate are marked with the visually recognizable numerals "3" and "4" respectively. Alternatively, the three dimensional visually recognizable symbol 80 could be a letter indicating the color of the ink stick (i.e., "C" for cyan, "M" for magenta, "Y" for yellow, and "K" for black). Other symbols that convey meaning or can be matched with symbols can be used. For distinguishing among feed channels (and their corresponding keyed openings), in some instances only a portion of the symbol need differ between ink sticks of an ink stick set. The visually recognizable symbol 80 can be formed on any of the surfaces of the ink stick body. If the visually recognizable symbol is formed on the top surface 54 of the ink stick body, the symbol aids the user in orienting the ink for insertion through the insertion keyed openings, and remains visible to the printer user as the user inserts the ink stick through the opening 24 of the key plate 26. More than one symbol may be desired on each ink stick. For example, an alphanumeric logo could further increase the ease of correctly orienting the ink stick for insertion through the opening 24.

Jones uses symbols to reduce the possibility of someone inserting an ink stick into a channel of the incorrect color.

The art cited by the Examiner does not disclose or anticipate the following steps of claim 1 as amended namely, detecting means for detecting at least one symbol that includes ink physical characteristic data that is indicative of the physical characteristics of the ink of the indicia to generate second ink characteristic data.

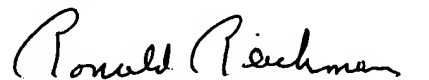
The art cited by the Examiner does not disclose or anticipate the following step of claim 15 as amended namely processing means coupled to the print element for causing the print element to print at least one symbol on the substrate as part of the indicia, the at least one symbol including ink physical characteristic data that is indicative of a physical characteristic of the ink.

The art cited by the Examiner does not disclose or anticipate the following step of claim 22 namely applying the ink to the substrate to form an indicia such that the indicia includes at least one symbol, the at least one symbol including ink physical characteristic data that is indicative of the physical characteristic of the ink.

In view of the above claims 1-28 as amended are patentable.

If the Examiner has any questions would the Examiner please call the undersigned at the telephone number noted below.

Respectfully submitted,



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